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c/o Frommer Lawrence & Haug LLP
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Patent No.
MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of :
Perry Scott Lorenz : DECISION ON
Application No. 10/774,799 : PETITION
Filed: February 9, 2004 :
Attorney Docket No. 1361015- :
2059/P05790 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 28, 2010.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to timely file a proper reply to the final Office action mailed March 26, 2010. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. No reply having been received and no extension of time obtained, the application became abandoned effective June 27, 2010. The filing of the instant petition precedes the mailing of a courtesy Notice of Abandonment.


On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under \$1.114 (in the form of an amendment)(and RCE fee); paid the petition fee; and made the required statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee was submitted

subsequent to the maximum extendable period for reply, this fee is unnecessary and is being refunded.

Technology Center AU 2816 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on September 28, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions